CLOSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

United States of America

v.

Armando Ramirez-Lopez

Citizen of Mexico

USM#: 61169-065 DOB: 1973

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed on or After November 1, 1987)

No. 08-15009-001M-SD

Richard L. Juarez (AFPD)
Attorney for Defendant

ICE#: A71 482 629

THE DEFENDANT ENTERED A PLEA OF guilty on 1/2/2008 to Count THREE of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count THREE of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of SIX (6) MONTHS on Count THREE, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: $Remitted **FINE:** $ **RESTITUTION:** $

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than $25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of $Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count THREE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Wednesday, January 2, 2008**

________________________________ Date 1/2/2008

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows:________________________________

Defendant delivered on __________ to ____________________ at ____________________, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

____________________________ By:____________________________

United States Marshal Deputy Marshal

08-15009-001M-SD -

UNITED STATES DISTRICT COURT — MAGISTRATE JUDGE'S MINUTES
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

DATE: 1/2/2008 CASE NUMBER: 08-15009-001M-SD

PLEA/SENTENCING MINUTES
USA vs. Armando Ramirez-Lopez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK
U.S. Attorney ______________ INTERPRETER REQ'D Marcia Resler
LANGUAGE: Spanish
Attorney for Defendant Richard L. Juarez (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 12/29/07 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at $__________
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset
Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed ______________ ☐ Complaint filed ______________
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts THREE
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) THREE of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because ______________
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to __ before ______________
☒ To be dismissed upon entry of the judgment, Ct(s) ONE / TWO
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☒ Defendant committed to Bureau of Prisons for a period of 6 months ☐ Probation/Supervised Release for ________
☒ Special Assessment $ REMITTED ☐ Fine $______ ☐ Restitution $________
Other: ______________

RECORDED: CS
BY: Angela J. Tuohy, Deputy Clerk

12/29

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Armando RAMIREZ-Lopez
Citizen of Mexico
YOB: 1973
A71 482 629
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15009M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about October 27, 2006, Defendant Armando RAMIREZ-Lopez was arrested and removed from the United States to Mexico through the port of Nogales, Arizona, in pursuance of law, and thereafter on or about December 29, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about December 29, 2007, within the Southern District of California, Defendant Armando RAMIREZ-Lopez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on September 12, 2003 (Felony).

COUNT III

That on or about December 29, 2007, within the Southern District of California, Defendant Armando RAMIREZ-Lopez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Nicholas Francescutti
Signature of Complainant
Nicholas Francescutti
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

January 2, 2008 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Armando RAMIREZ-Lopez

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through Nogales, Arizona on October 27, 2006. **The Defendant has four (4) prior removals from the United States.**

CRIMINAL HISTORY:

DATE/LOCATION		**OFFENSE**	**DISPOSITION**
07/31/91	San Francisco, CA	Possession of Base/Rock Cocaine for Sale	1 Year Jail & 3 Years Probation
08/09/93	Chardon, NB	Larceny / Criminal Trespassing	1 Year Jail
11/05/93	San Diego, CA	Battery / Petty Theft	10 Days Jail & 3 Years Probation
11/14/93	Chula Vista, CA	Illegal Re-Entry	24 Months Prison
05/31/96	Portland, OR	Illegal Re-Entry	60 Months Prison & 3 Years Supervised Release
03/18/03	Casa Grand, AZ	Illegal Re-Entry	30 Months Prison & 2 Years Supervised Release

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on December 29, 2007.

Charges:

8 USC§1326 (Felony)
8 USC§1325 (Felony)
8 USC§1325 (Misdemeanor)

Signature of Complainant

Sworn to before me and subscribed in my presence,

January 2, 2008

Date

Signature of Judicial Officer

Probable Cause Statement

I, Senior Patrol Agent Nicholas Francescutti, declare under penalty of perjury, the following is true and correct:

STATEMENT OF FACTUAL BASIS

Defendant: Armando RAMIREZ-Lopez

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through Nogales, Arizona on October 27, 2006. **The Defendant has four (4) prior removals from the United States.**

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The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on December 29, 2007.

Executed on: Date December 30, 2007 *Time: 9:35 AM*

Signed: Nicholas Francescutti *Senior Patrol Agent*

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page(s), I find probable cause to believe that the defendant(s) named therein committed the offense on December 29, 2007 in violation of Title 8, United States Code, Section(s) 1326 and 1325.

Finding made on: Date December 30, 2007 *Time* 8:40 PM

Signed: ______________________ *United States Magistrate Judge*